

REMARKS

Claims 1-28 are pending in the application. Claims 4-17 and 20-28 have been withdrawn from consideration. Claims 1, 18, and 19 have been amended for purposes of clarity. With regards to claims 18 and 19, these claims have been amended to recite them in a conventional method format.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1-3, 18, and 19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Hirano et al. (US 20050221856; hereinafter “Hirano”). Applicant traverses the rejection because Hirano does not teach or even suggest every feature of the claimed invention. Specifically, the GPS unit 2001 (alleged direction detecting means) does not detect a shooting direction of the image to obtain shooting direction information indicating the shooting direction because the GPS unit 2001 only obtains the current position of the mobile terminal 101.

As an initial matter, the Examiner indicated¹ that the applied reference (Hirano) and the subject application have a common assignee and that the rejection may be overcome by showing that the invention is not “by another”. Applicant submits that the question of a common assignee is currently not pertinent to the patentability of the claimed invention as the claimed invention is patentably distinguished from Hirano as discussed next.

Regarding the rejection of independent claim 1, the Examiner asserts that Hirano teaches every feature of claim 1. Hirano discloses a translation system including a server 109 and a mobile terminal 101. See [0073]. According to Hirano, one of the functions of the server 109 is to translate character strings included in images photographed by the image photographing unit

¹ See Office Action page 3.

105 (alleged imaging means and alleged position measuring means²) of the mobile terminal 101. See [0073]. FIG. 2 of Hirano describes an implementation in which when the mobile terminal 101 is moved close to text 201, an area corresponding to camera view 202 is photographed as one frame. See [0074]. Hirano describes another embodiment in with respect to FIGS. 20 and 21. In this embodiment, the image photographing unit 105 photographs images including character strings and stores the images into buffer 106. Once the recognition and translation service is specified as the process to be carried out, the GPS unit 2001 (alleged direction detection means³) obtains the present position of the mobile terminal 101. The present position information obtained by the GPS unit 2001 is then sent to the server 109 along with the images obtained by the image photographing unit 105.

Claim 1 recites, *inter alia*,

position measuring means for *measuring a shooting position* of the image
to obtain shooting position information indicating the shooting position;

direction detecting means for *detecting a shooting direction* of the image
in order to obtain shooting direction information indicating the shooting direction

Hirano does not anticipate claim 1 because the image photographing unit 105 (alleged position measuring means) does not measure a shooting position of the image. The only function of the image photographing unit 105 is to photograph images and store them in a buffer 106. Furthermore, Hirano only provides for a conventional GPS unit 2001 (alleged direction detection means), which at best provides a latitude or longitude information. As latitude and longitude

² See Office Action page 4.

³ See Office Action page 4.

information may indicate only position of an object and does not indicate the direction of the object, the GPS unit 2001 cannot correspond to the claimed direction detection means.

In view of the above discussion, Applicant submits that independent claim 1 is not anticipated by Hirano as it does not teach or suggest every feature of claim 1. Claim 18 is patentable over Hirano for analogous reasons.

Dependent claims 2, 3, and 19 are patentable at least by virtue of their dependency from claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Carl J. Pellegri
Registration No. 40,766

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 15, 2010